

REPEAL. Mississippi Administrative Code Part 4, Chapter 8, Rules 8.1 – 8.19

~~Title 6: Economic Development~~

~~Part 4: Community Services~~

~~Part 4 Chapter 8: Emergency Shelter Grants Program~~

~~Rule 8.1 Program Overview.~~ The Emergency Shelter Grants Program (ESG) is authorized by the Stewart B. McKinney Homeless Assistance Act of 1988 as Amended. Under the Emergency Shelter Grants Program, the Department of Housing and Urban Development (HUD) allocates funds by formula grant among eligible states and units of general local government. States and units of local government may use the ESG funds for renovation, rehabilitation or conversion of buildings for use as emergency shelters for the homeless, for the payment of operation and maintenance expenses, for the provision of essential services to homeless clients, and for homeless prevention activities. The program is designed to be the first step in a continuum of assistance to enable homeless individuals and families to move toward independent living as well as to prevent homelessness. The State of Mississippi proposes in the 2011 Emergency Shelter Grants Program to use the funds for operation and maintenance expenses. ESG funds will be distributed statewide to eligible local units of government and non-profit organizations that operate homeless shelters. Recaptured or De-obligated ESG funds may be used to supplement State Administration, to supplement existing projects which may require additional funds, to fund other eligible applicants, or to fund ESG eligible activities.

Source: 42 U.S.C. 11301

~~Rule 8.2 Program Objective.~~ The ESG Program funds will be made available to address the following:

- ~~—A. Shelter facility improvements (minor), operation and maintenance expenses~~
- ~~—B. Equipment purchase is limited to \$5,000.00 per unit~~

~~The use of ESG funds for the purchase of motor vehicles is prohibited.~~

Source: 42 U.S.C. 11301

~~Rule 8.3 Administration.~~ The Governor designated the Mississippi Development Authority (MDA) as the agency responsible for administering ESG funds.

Source: 42 U.S.C. 11301

~~Rule 8.4 2011 Allocation.~~ The 2011 ESG funds to be made available to the State of Mississippi will be published in the Federal Register. The One Year Action Plan is based on an allocation of \$2,002,150. This allocation is contingent upon the availability of funds to the State of Mississippi from the U. S. Department of Housing and Urban Development. The State will reserve less than five percent (\$100,000) to assist in the administration of ESG funds. If requested, the State may make available administrative funds to grantees, not to exceed two percent of the grant requested.

Source: ~~42 U.S.C. 11301~~

~~*Rule 8.5 Application Submission Date.* The Application Submission date will be May 20, 2011, no later than 4:00 p.m. Applications were submitted to Community Services Division, 501 North West Street, Suite 5 A, Jackson, Mississippi. No applications were accepted after 4:00 p.m. MDA's time clock was the clock used for meeting the application submission deadline.~~

Source: ~~42 U.S.C. 11301~~

~~*Rule 8.6 Eligible Applicants.* Local units of government and non-profit organizations that operate existing homeless shelters are eligible to submit applications in the ESG Program. Non-profit agencies applying for ESG funds to carry out homeless assistance must obtain certification that the project is approved by the local unit of government, per Section 42 of the McKinney Act as amended. The City of Jackson, being an entitlement city, receives a direct allocation of ESG funds from HUD. Therefore, applications from non-profits in the City of Jackson will not be accepted for funding by the Community Services Division.~~

Source: ~~42 U.S.C. 11301~~

~~*Rule 8.7 Match Requirements.* Applicants must provide matching funds. Pursuant to 24 CFR Part 576 and 42 U.S.C. 11375 the ESG Program requires that ESG funds provided by HUD be matched with an equal amount of funds from other sources. The match amount may include the amount of funds from other sources, the value or fair rental value of any donated material or building (this source can only be utilized as match one time), the value of any lease on a building, any salary paid to staff to carry out the program of the recipient, and the value of the time and services (at a rate of \$5.00 per hour) contributed by volunteers to carry out the program of the recipient.~~

Source: ~~42 U.S.C. 11301~~

~~*Rule 8.8 Grant Size.* The maximum grant size is \$75,000 and there is no minimum grant size. The State reserves the right to adjust the amount awarded, based on the amount of funds available.~~

Source: ~~42 U.S.C. 11301~~

~~*Rule 8.9 Threshold Requirements.*~~

- ~~— A. Applications submitted by a local unit of government must include a copy of the Resolution authorizing submission of this application. The Resolution must be adopted by the local unit of government and must be signed and dated by the local unit of government's Chief Elected Official.~~
- ~~— B. Applications submitted by non-profit organizations operating homeless shelters must include a copy of the authorizing resolution. The Resolution must be adopted by the non-profit organization's Board and must be signed and dated by the President of the Board.~~

- ~~— C. Applications from non-profit organizations operating homeless shelters must also include a letter from the local unit of government approving the submission of the application. The letter must refer to the current ESG Program Year for which the application is being submitted and be signed by the Chief Elected Official.~~
- ~~— D. To be eligible for 2011 funds, at least 80% of the 2010 project funds must be drawn in the IDIS system at the time an application is submitted. Any project funded with 2009 funds must be expended and a closeout package submitted to be eligible to apply for 2011 funds. And if funded, no funds may be drawn down on the new grant until the previously funded ESG project is closed out with CSD.~~
- ~~— E. Match requirement must be documented in the application. The matching amount must be equal to the amount of ESG funds being requested. The match amount may include funds from other sources, the value or fair rental value of any donated material or building (this source can only be utilized as match one time), the value of any lease on a building, any salary paid to staff to carry out the program, and the value of the time and services (at a rate of \$5.00 per hour) contributed by volunteers to carry out the program. If match includes funds from other sources or the value of the time and services contributed by volunteers to carry out the program, applicants must provide a copy of the Memorandum of Understanding or Agreement, or letter of support from the entities providing match. This documentation must identify the match type, match amount and must cover the grant Program Year time period for this application. If a facility is to be used as matching funds, a recent appraisal (less than two years) of the facility must be included. A current appraisal is also required if the local unit of government is submitting an application on behalf of an existing shelter. If the value of any lease on a building is to be used as matching funds, a copy of the lease information indicating the lease amount must be included. If donated materials are to be utilized as match, documentation from the donor indicating the type of materials and their value, and the date or proposed date of the donation must be submitted in the application.~~
- ~~— F. Applicants must not have any unresolved audit or monitoring findings. In addition, if a community or organization has ANY CSD concerns that have not been resolved, then CSD may not review the application and the application may be disqualified from consideration in funding. This includes but is not limited to, failing to submit required reports, etc.~~
- ~~— G. Contracts will be sent out after the award is made. Environmental clearance and special conditions clearance must be completed within four (4) months of the award date or the contract may be voided. No request for cash will be processed until the environmental clearance is granted. Waivers to the four (4) months rule may be granted on a case-by-case basis. The Division Director will be the only signature authority for waivers.~~
- ~~— H. Any application that has been prepared by an application preparer who is involved in a pending debarment or suspension proceeding before a state or federal agent shall not be reviewed until such time as the debarment proceeding has been finally resolved. Additionally, no person who is involved in a suspension or debarment proceeding shall be allowed to administer a CDBG, ESG or HOME project until such time as the suspension or debarment process or finding is resolved.~~
- ~~— I. The shelter board must be composed of at least one (1) homeless or former homeless person in a decision making capacity.~~

Source: 42 U.S.C. 11301

Rule 8.10 Activities. Efforts will be made to maintain the operation of existing facilities that have a demonstrated history of efficient management, including services to the hard-to-reach homeless. The following information will be required in each funding request:

- A. The nature and extent of homeless need for emergency shelter within the applicant's jurisdiction and the manner in which the applicant proposes to address the need;
- B. Identification of agencies proposed to provide services through the program, any on-going services they provide to the homeless population, and a description of the agencies' relationship to the local government;
- C. A description of proposed program activities and the budget request relating to: payment of maintenance, operation, insurance, utilities, and furnishings;
- D. A description of the source(s), amount(s), and status of matching funds;
- E. The extent to which the proposed activities will carry out the objectives established by the State;
- F. The applicant's method and timeframe to implement the proposed activities; and
- G. The applicant's certification that activities assisted through the program will comply with applicable regulations regarding historic properties and environmental considerations.

Source: 42 U.S.C. 11301

Rule 8.11 Distribution. The ESG funds will be distributed in accordance with the State's Consolidated Plan. The selection process is based on the possible award of 150 points on the ESG Application. The State intends to distribute ESG funds statewide to eligible applicants using a competitive application process. The State has designed specific criteria that will be used to rate the applications. Points will be assigned to each rating criterion based on the data provided in the application and consistent with the needs in the Consolidated Plan. Each application will stand on its own.

Source: 42 U.S.C. 11301

Rule 8.12 Applicant Obligations. Applicants may be contacted for clarification of the information presented in the application, but additional information that can affect the rating of the project cannot be submitted. Applicants with the highest scores will be funded until funds are exhausted. In case of a tie, the application that has the highest poverty rate for the entity's respective county will rate higher. The State will use the most recent rate. If a tie still exists, the unemployment rate for the entity's respective county will be used. The Community Services Division will also reject any applications if they are incomplete or do not provide desired services.

Source: 42 U.S.C. 11301

Rule 8.13 Site Visits. Site visits will be conducted to verify information submitted in the application for applicants receiving the highest ratings. A site visit does not imply or denote that an applicant will be funded. The State reserves the right to decrease the points awarded in any rating factor based on information gained during a site visit. The following Habitability

Standards need to be met for applicant to receive funding:

- ~~-A. Structure and Materials: The shelter building should be structurally sound to protect residents from the elements and not pose any threat to health and safety of the residents.~~
- ~~-B. Access: The shelter must be accessible, and there should be a second means of exiting the facility in the case of emergency or fire.~~
- ~~-C. Space and Security: Each resident should have adequate space and security for themselves and their belongings. Each resident must have an acceptable place to sleep.~~
- ~~-D. Interior Air Quality: Each room or space within the shelter/facility must have a natural or mechanical means of ventilation. The interior air should be free of pollutants at a level that might threaten or harm the health of residents.~~
- ~~-E. Water Supply: The shelter's water supply should be free of contamination.~~
- ~~-F. Sanitary Facilities: Each resident should have access to sanitary facilities that are in proper operating condition. These facilities should be able to be used in privacy, and be adequate for personal cleanliness and the disposal of human waste.~~
- ~~-G. Thermal Environment: The shelter/facility must have any necessary heating/cooling facilities in proper operating condition.~~
- ~~-H. Illumination and Electricity: The shelter/facility should have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There should be sufficient electrical sources to permit the safe use of electrical appliances in the shelter.~~
- ~~-I. Food Preparation: Food preparation areas, if any, should contain suitable space and equipment to store, prepare and serve food in a safe and sanitary manner.~~
- ~~-J. Sanitary Conditions: The shelter should be maintained in a sanitary condition.~~
- ~~-K. Fire Safety Sleeping Areas: There should be at least one working smoke detector in each occupied unit of the shelter facility. In addition, smoke detectors should be located near sleeping areas where possible. The fire alarm system should be designed for a hearing-impaired resident.~~
- ~~-L. Fire Safety Common Areas: All public areas of the shelter must have at least one working smoke detector.~~

Source: 42 U.S.C. 11301

Rule 8.14 Selection Process. The selection process is based on the awarding of points. Specific selection criteria will be used to rate applications. All applications will be rated and points assigned to each based on data provided in the application. Thus, it is important to provide complete and concise information for all questions.

Source: 42 U.S.C. 11301

Rule 8.15 Complete Questionnaire. In order to receive points, all questions must be answered completely. If the space provided to answer questions is not sufficient and the applicant needs additional space to answer a question in its entirety, the applicant must clearly reference the location of this additional information (i.e., see Attachment A, See By laws, page 3). Applicants must be very specific when indicating additional space is needed to answer any questions.

Source: 42 U.S.C. 11301

Rule 8.16 Rating Factors. The rating factors and maximum points for the Application for the

2011 Emergency Shelter Grants Program Year are as follows:

Rating Factor	Points
Target Population	35
Program Design	20
Applicant Capacity	50
Documented Need	20
Community Coordination	25
Total Points Available	150

Source: 42 U.S.C. 11301

Rule 8.17 Explanation of Rating Factors.

~~A. Target Population: Applications that target two or more of the following populations will receive a maximum of 35 points. Applications that target only one population will be rated based on the scale below. In order to receive points, documentation that indicates the applicant's Target Population must be submitted. Applicants may submit marketing material, Articles of Incorporation, By-laws or some formal document containing the organization's Mission Statement or Purpose. (Applicants must also specifically identify which document contains the information and provide the page numbers). Local units of government must submit this information on behalf of the shelters they will be assisting with ESG funds.~~

Category	Points
Families	30
Victims of Domestic Violence	25
Veterans	20
Others	15
Children	10
Elderly	5

~~B. Program Design: Applicants will be rated on how their programs are designed to address the items listed below regarding their targeted population(s). In order to receive points the applicant must submit a formal copy of its Policies and Procedures document or Operational Manual describing these activities. Applicants must specifically identify which document contains the information and provide the page number.~~

- ~~(i). The hard to reach homeless (outreach activities)~~
- ~~(ii). The provision of supportive housing and ultimately permanent affordable housing~~
- ~~(iii). The utilization of clients in the construction, renovation, maintenance or operation of the shelter facility pursuant to 24 CFR 576 (b).~~
- ~~(iv). The inclusion of at least one current or former homeless person serving in a policy making capacity pursuant to 24 CFR 576 (b).~~

Criteria	Points
Program design includes 4 Areas	20

Program design includes 3 Areas	5
Program design includes 2 Areas of less	0

~~C. Applicant Capacity:~~

~~(i). Applications will be awarded points based on the applicant's current ability to operate homeless programs. Applicants will be rated on their personnel's ability to perform administrative and operational functions. In order to receive points the applicant must submit a formal copy of its Policies and Procedures document or Operational Manual that describes the activities listed below. (Applicants must also specifically identify which document contains the information and provide the page number).~~

- ~~(a) Client application process and procedures for intake~~
- ~~(b) Client tracking system (what type of statistics does your organization obtain and maintain on your clients, i.e., income information, educational level, employment status, health information, household size, marital status, gender, age, average length of stay, chronic homelessness, substance abuse history, etc)~~
- ~~(c) Client follow-up system (location and condition of client after leaving shelter)~~
- ~~(d) Financial accounting system~~
- ~~(e) Policy regarding the termination of assistance and grievance procedure pursuant to 24 CFR Part 576.56 (a) (3). Applicants must have in place a policy that governs the termination of assistance provided by ESG funded activities to participants who violate program requirements. The policy must provide the procedure that governs the termination and grievance process.~~

Criteria	Points
Organization has standard operating procedures for all 5 Areas	15
Organization has standard operating procedures for 4 Areas	5
Organization as standard operating procedures for less than 4 Areas	0

~~(ii). Applicant's ability to provide and/or coordinate supportive services for clients. In addition to providing overnight sleeping accommodations, applicants are encouraged to provide supportive services to clients either directly or through partnering with other entities. In order to receive points, marketing materials, Articles of Incorporation, By laws containing Mission Statement or Purpose, Policies and Procedures document or Operational Manual, must be submitted for documentation. If services are provided by another entity, a copy of the Memorandum of Understanding or Agreement, or letter of support with these entities indicating the provision of services must be submitted. The Memorandum of Understanding or Agreement, or letter of support, must cover the grant Program Year period.~~

Criteria	Points
Job training related services are available	5
Child care related services are available	5
Counseling/Therapy services are available	5

Medical related services are available	5
Transportation services are available	5
Budgeting/Financial Management Training services are available	5

~~(iii). Applicant has previous experience administering a state or federal grant program. In order to receive points, applicants must identify the grant received and submit a copy of the grant award letter. Applicants will receive points based on the following:~~

Criteria	Points
Applicant has experience administering a grant program	5
Applicant does not have experience administering a grant program	0

~~D. Documented Need: Applicant sufficiently documents need for services proposed in application. Please include the following information (information must be based on a January through December calendar year):~~

- ~~(i). Homeless statistical information for applicant's locale~~
- ~~(ii). The overall number of individuals served for last year (for any services provided)~~
- ~~(iii). The number of individuals from the applicant's specific target population served last year (for any services provided)~~
- ~~(iv). The number of nights of sleeping accommodation services provided last year~~
- ~~(v). The number of nights of sleeping accommodation services provided last year for individuals in the applicant's target population~~
- ~~(vi). The average length of stay of clients last year~~
- ~~(vii). The number of other shelters in applicant's locale~~
- ~~(viii). The number of other shelters in applicant's locale that serve the same target population as the applicant~~
- ~~(ix). Information regarding economic conditions in the applicant's locale~~
- ~~(x). Information regarding the levels of entitlement assistance in the applicant's locale~~

~~The above listed items must be addressed in the Documented Need Narrative for points to be awarded. Applicants may certainly include any additional information that they deem necessary.~~

Criteria	Points
Applicant clearly identifies need for proposed services	20
Applicant does not clearly identify need for proposed services	0

~~E. Community Coordination: Applicant will provide additional needed services for their clients from resources in the community. To receive points, applicants must provide a copy of the Memorandum of Understanding or Agreement, or letter of support with each activity indicating coordination and the provision of services. The Memorandum of Understanding of Agreement, or letter of support, must cover the grant Program Year period.~~

Criteria	Points
Applicant has 4 or more community resources	25

Applicant has 3 community resources	15
Applicant has 2 community resources	5
Applicant has less than 2 community resources	0

Source: 42 U.S.C. 11301

Rule 8.18 Review Process. The ESG Application Review process will consist of the following: first level review, second level review, and supervisory sign off. This ensures a fair and competitive process.

Source: 42 U.S.C. 11301

Rule 8.19 Federal Requirements. All recipients will be required to comply with certain federal and state requirements. The following briefly describes major requirements that may apply.

- ~~— A. The requirements of OMB Circular No. A 87, *Cost Principles for State and Local Governments*, which addresses allowable cost shall apply to State recipients or any governmental sub recipient receiving ESG funds~~
- ~~— B. Non-profit organizations must follow the requirements of:

 - ~~(i). OMB Circular No. A 122, *Cost Principles for Non Profit Organizations*~~
 - ~~(ii). 24 CFR Part 84, *Grants and Agreements with Institutions of Higher Education, Hospital, and other Non Profit Organizations*~~
 - ~~(iii). 24 CFR Part 84.21(d), *Bonding and Insurance*~~
 - ~~(iv). 24 CFR Part 84.21(a), *Standards for Financial Management Systems*~~
 - ~~(v). 24 CFR Part 84.51, *Monitoring and Reporting Program Performance*, Paragraph 2~~
 - ~~(vi). 24 CFR Part 84.40-84.50, *Procurement Standards*~~
 - ~~(vii). 24 CFR Part 84 or 84, *Conflict of Interest*~~~~
- ~~— C. Recipients are responsible for audit costs. Audits must be conducted in accordance with:

 - ~~(i). 24 CFR Part 44, *Non Federal Governmental Audit Requirements*, and;~~
 - ~~(ii). OMB Circular A 133, *Audits of Institutions of Higher Education and other Non Profit institutions*.~~~~
- ~~— D. Local units of government must follow the requirements for procurement of:

 - ~~(i). MDA (CSD) Policy Statement #94-002~~
 - ~~(ii). 24 CFR Part 85,~~
 - ~~(iii). State of Mississippi Procurement laws, or~~
 - ~~(iv). Mississippi Development Authority requirements, whichever one is more stringent.~~~~
- ~~— E. All contracts for ESG funds are subject to audit in accordance with OMB Circular A 133.~~
- ~~— F. ESG funds from each federal fiscal year (i.e., the allocation and any reallocated funds from the particular federal fiscal year appropriated) will be closed out when all the requirements of 24 CFR Part 576.85, *Closeouts*, have been met.~~
- ~~— G. Each applicant must establish and maintain sufficient records to enable the State to determine whether the applicant has met the requirements of 24 CFR Part 576.87, *Recordkeeping*.~~

- ~~—H. Applicants must comply with the requirements of 24 CFR Part 576.79, Conflict of Interest.~~
- ~~—I. The federal requirements of 24 CFR Part 576.51, Displacement, Relocation, and Acquisition, concerning relocation must be followed at all times when a unit to be rehabilitated is occupied prior to the beginning of construction to rehabilitate the unit.~~

Source: ~~42 U.S.C. 11301~~